



Order Filed on March 19, 2021
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Caption in Compliance with D.N.J. LBR 9004-1(b)

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In re:

IMMUNE PHARMACEUTICALS, INC., et al.,

Debtors.

IMMUNE PHARMACEUTICALS, INC.; IMMUNE
PHARMACEUTICALS, LTD.; CYTOVIA, INC.; IMMUNE
ONCOLOGY PHARMACEUTICALS, INC.; MAXIM
PHARMACEUTICALS, INC.; IMMUNE
PHARMACEUTICALS USA CORP.; and THE OFFICIAL
COMMITTEE OF UNSECURED CREDITORS OF IMMUNE
PHARMACEUTICALS, INC., et al.,

Plaintiff

v.

DISCOVER GROWTH FUND, LLC,

Defendant.

Case No. 19-13273 (VFP)

Chapter 7

Jointly Administered

Adv. Pro. No. 19-02033 (VFP)

Judge: Vincent F. Papalia

**ORDER DENYING MOTION FOR STAY OF PROCEEDINGS OR STAY OF
DISCOVERY AND SCHEDULING
PRE-TRIAL PROCEEDINGS AND TRIAL**

The relief set forth on the following pages, numbered two (2) through three (3), is hereby

ORDERED.

DATED: March 19, 2021

A handwritten signature in black ink, appearing to read "Vincent F. Papalia".

Honorable Vincent F. Papalia
United States Bankruptcy Judge

The Court having entered a Joint Order Scheduling Pre-Trial Proceedings and Trial [Doc 14] on February 27, 2020 (the "Initial Scheduling Order"); plaintiff Jeffrey A. Lester ("Trustee") having been appointed as chapter 7 trustee in the captioned bankruptcy cases as of April 2, 2020 and thereafter having been substituted as plaintiff in the captioned adversary proceeding ("Adversary Proceeding"); the Trustee having filed a "Motion For Stay Of Proceedings, Or In The Alternative, For Stay Of Discovery And Adjournment Of Trial Date" dated February 12, 2021 [Doc 78] ("Motion") and defendant Discover Growth Fund, LLC having filed opposition to the Motion [Doc 79]; and the Court having conducted a hearing on the Motion and a pretrial conference on March 9, 2021 (the "Hearing") and having set the pretrial schedule set forth herein, and for the reasons set forth on the record at the Hearing, it is **ORDERED** that:

1. The Motion is denied.
2. All fact discovery in the Adversary Proceeding is to be completed by the date that is 90 days from the date of this Order. Any motions to compel discovery are to be made so that the Court can rule and the discovery can be obtained before that date. Late filed discovery motions will not constitute cause for an adjournment of the scheduled trial date. All expert discovery is to be completed by the date that is 150 days from the date of this Order, and the parties shall exchange expert reports by the date that is 120 days from the date of this Order. The Court shall conduct a further pretrial conference on July 8, 2021 at 10:00am.
3. Any party seeking to amend pleadings or add additional parties, must do so by filing a motion no later than 30 days after the close of fact discovery.
4. All other motions must be filed no later than 45 days after the completion of all fact and expert discovery. Late filed motions will not constitute cause for an adjournment of the trial date.
5. Each party must pre-mark the exhibits which may be used at trial.
6. 14 days before trial each party must:
 - (a) serve a copy of the pre-marked exhibits on each opposing party and provide one bound copy of the exhibits to the Court in Chambers (not to be docketed by the Clerk); and
 - (b) file and serve on each opposing party a list of witnesses to be called at trial.
7. All exhibits will be admitted into evidence and witnesses permitted to testify at trial, unless a written objection has been filed 7 days before the trial date. Only witnesses identified on the witness list will be permitted to give testimony.

8. Any party intending to introduce deposition testimony at trial must serve on each opposing party and file copies of the transcript pages with excerpts highlighted.

9. Within 14 days from the conclusion of the trial, unless such time is extended by the Court, each party must file, and serve on each opposing party, separately numbered proposed findings of fact and conclusions of law with supporting legal citations.

10. The discovery deadlines set forth herein are subject to extension upon motion for good cause shown.

11. Trial will begin on October 20, 2021.at 10:00am. or as soon as the matter may be heard, at:

UNITED STATES BANKRUPTCY COURT ADDRESS:

50 Walnut Street
Newark, NJ 07102
Courtroom no: 3B

PARTIES MUST BE PREPARED TO PROCEED TO TRIAL ON THE SCHEDULED DATE. ADJOURNMENTS WILL BE GRANTED ONLY FOR COMPELLING REASONS BEYOND THE CONTROL OF THE PARTIES. UNDER D.N.J. LBR 5071-1, PARTIES REQUESTING AN ADJOURNMENT MUST SUBMIT LOCAL FORM, *ADJOURNMENT REQUEST*, VIA CHAMBERS EMAIL NOT LATER THAN 3 DAYS BEFORE THE TRIAL DATE.

rev.4/10/17